

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DANIEL Z. MALDONADO,

Plaintiff,

v.

ERIC J. HOLDEN, et al.,

Defendants.

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Civil Action No. **3:10-CV-1025-L**

ORDER

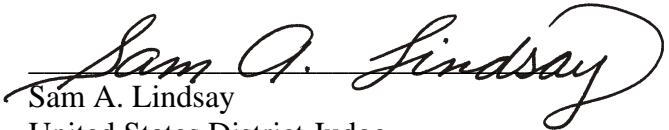
Before the court are the Findings And Recommendation of the United States Magistrate Judge, filed June 24, 2010. Plaintiff did not file objections.

Plaintiff is proceeding *pro se* and *in forma pauperis*. He filed a petition for a writ of mandamus, requiring Defendants Eric J. Holden and Behavior Measures & Forensics Services, Inc. to produce certain records. The magistrate judge recommends summarily dismissing Plaintiff's petition pursuant to 28 U.S.C. § 1915(e)(2) because the court lacks mandamus authority over private individuals.

The court agrees that it lacks mandamus authority over Defendants pursuant to 28 U.S.C. § 1361. Rather than dismissing Plaintiff's petition pursuant to 28 U.S.C. § 1915(e)(2), however, the court will dismiss it for lack of subject matter jurisdiction.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **dismisses** Plaintiff's petition **without prejudice** for lack of subject matter jurisdiction.

It is so ordered this 20th day of July, 2010.


Sam A. Lindsay
United States District Judge